HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 19947 OF 2006

DATED: 26.9.2006

Between:

Patil Vittal Rao

… Petitioner

and

Superintendent of Police, Nizamabad
District and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.19947 OF 2006

ORAL ORDER:

The petitioner's grievance is that the respondents, including the respondents 1 and 2, have not acted on his complaint dated 17.7.2006, which reads as under:

> "With due respect I submit the following few lines for your kind consideration and early necessary action please.
>
> The Govt. of Andhra Pradesh was assigned me 5-00 Acres (P.P.) Govt. Land Sy.No.43 of Ghulla (Big) shivar Mdl. Jukkal, vide Mandal Revenue Officer, Jukkal No.B/469/2000, Dated 30.6.2000. Title deed also issued. This land also demarked surveyed by Inspector Survey and land records Nizamabad on 10.10.2004. Panchanama conducted on the spot. In behalf of Mandal Revenue Officer, Jukkal vide their letter No.B/27/2004, Dated 3.10.2004. I developed that land and cultivating continuously by since assigned.
>
> After all these the adjacent Pattedar (Sy.No.50 Gundur shivar) threatening at the time of harvesting and cultivating. Now they are illegal encroached totally assigned land with the help of Karnataka relatives. The Relatives names are as follows:
>
> 1. Tukaram, s/o Ananda, R/o Gundur,
> 2. Manik, s/o Malba, R/o Gundur
> 3. Dhattu, s/o Ananda, R/o Gundur
> 4. Digamber, s/o Ananda, R/o Gundur
> 5. Madhav, s/o Manik, R/o Gundur
> 6. Shanker, s/o Ram Rao, R/o Gundur
> 7. Kashappa, s/o Veerappa, R/o Gundur
> 8. Shankarappa, s/o Kashappa, R/o Gundur
> 9. Bandu, s/o Dada Rao, R/o Gundru
> 10. Ashok, s/o Chander along with other ten (10) persons, R/o Duduknal, Tq: Aurad, Dist: Bidar of Karnataka.
>
> This issue is going on continuously at the time of cultivation and harvesting due to this I am going on mentally disturbance. This issue is also informed to MRO, Judicial and S.I. Police station, Jukkal, Dated 28.10.2004 and 22.6.2006 till no any action taken by any officials.
>
> Request for early protection for cultivation and permanent necessary action against them."

On terms, the above complaint does not constitute information as to the commission of any cognizable offence. A similar complaint was addressed by the petitioner on 8.9.2006 to the Collector and District Magistrate, Nizamabad. Thereafter, the petitioner states he has filed a civil suit and obtained injunction against some of the respondents/defendants in such suit and despite the order of injunction, some persons are interfering with his lawful occupation and cultivation of the lands in question.

If the petitioner has a grievance that a complaint conveying information as to the commission of a cognizable offence has not been registered by the police, the petitioner has a statutory remedy available under Section 190 of the Code of Criminal

Procedure, 1973 and ought not to be granted relief under Art.226 of the Constitution, in view of the law declared by the Supreme Court in HARI SINGH VS. STATE OF U.P. ([1.]). If the petitioner has a grievance that the injunctive orders issued by the civil court of competent jurisdiction have been violated by any party to the injunction, the petitioner has an equally efficacious statutory remedy under the Code of Civil Procedure, 1908. The petitioner may also seek by an appropriate application, police aid in the civil proceedings itself. All these remedies are available at a proximity to the petitioner's natural habitat and do not warrant a long trek to Hyderabad.

There are no merits. The writ petition is dismissed. No costs.

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GODA RAGHURAM, J

Date: 26.9.2006
CVM

[1.] 2006 (5) SUPREME 513